

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

920 SOUTH BEACH BLVD., LLC

PLAINTIFF

v.

CIVIL ACTION NO. 1:21-cv-263-TBM-RPM

**CITY OF BAY SAINT LOUIS,
MISSISSIPPI; SWK, LLC; *and*
JAMES J. CHINICHE, *P.A.***

DEFENDANTS

ORDER

This matter came before the Court on SWK LLC's Motion to Dismiss [11], James J. Chiniche's Motion to Dismiss [19], the City of Bay Saint Louis, Mississippi's Motion to Dismiss [22], and 920 South Beach Blvd., LLC's Motion to Amend the Complaint [33]. At the hearing conducted in this matter on June 15, 2022, the Court, having considered the pleadings, the record, the oral arguments of counsel, and the relevant legal authority, announced on the record its detailed findings and conclusions concerning each motion ruled upon.


IT IS THEREFORE, ORDERED AND ADJUDGED that, for the reasons stated on the record at the hearing held on June 15, 2022, 920 South Beach Blvd., LLC's Motion to Amend the Complaint [33] is GRANTED. The Plaintiff has until July 5, 2022, to file an amended complaint. If the Plaintiff does not file an amended complaint, the Defendants may reraise any 12(b)(6) motions within thirty days. If the Plaintiff does file an amended complaint, the Defendants shall have thirty days from the date of the filing to move to dismiss pursuant to Rule 12(b)(1) and Rule 12(b)(6).

IT IS FURTHER ORDERED that SWK LLC's Motion to Dismiss [11] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that James J. Chiniche's Motion to Dismiss [19] is GRANTED IN PART AND DENIED IN PART WITHOUT PREJUDICE. The Plaintiff's negligence claims against James J. Chiniche's are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the City of Bay Saint Louis, Mississippi's Motion to Dismiss [22] is DENIED WITHOUT PREJUDICE.

THIS, the 15th day of June, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE